



**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Nicolas BROGNE, et al.

Attorney Docket Q62282

**RECEIVED**

Appln. No.: 09/758,245

Group Art Unit: 2645

OCT 04 2002

Confirmation No.: 7851

Examiner: Not yet assigned

**OFFICE OF PETITIONS**

Filed: January 12, 2001

For: **METHOD OF SENDING VOICE MESSAGES, AND SYSTEM AND SERVER THEREFOR**

**REQUEST FOR RECONSIDERATION OF DECISION ON PETITION**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant respectfully requests reconsideration of the *Decision* mailed September 10, 2001, for the reasons set forth below.

The inventors in this case are Nicolas Brogne, Jean-Pierre Kelles and Emmanuel Sutter. Signatures on the declaration were obtained from Mr. Brogne and Mr. Sutter. The proper papers were sent to Mr. Kelles, but were returned undelivered because he had moved and left no forwarding address. MPEP 409.03(d) requires submission of documents such as a certified mail return receipt, cover letter of instructions, telegrams, etc. The petition filed on August 6, 2001 attached a copy of the return receipt and the letter of instructions. MPEP 409.03 does not define what constitutes a diligent effort. In this case, in addition to the sending of the papers to the last known home address of the missing inventor, the undersigned searched telephone records in Germany, France, Austria and Belgium. No such person was found in Germany, France or Austria. One possible listing was found in Belgium at an address (Avenue Edmond Parmentier / Edmond Parmentierlaan, 175 1150 Woluwe-Saint-Pierre / Sint-Pieters-Woluwe) different from the last known address of the missing inventor, but the undersigned does not know if the listing is Jean-Pierre Kelles who is the inventor of the present case. The Undersigned has attempted on a number of occasions to contact the person at this address to verify the identity before sending

Application No. 09/679,739  
Request For Reconsideration

confidential and proprietary documents to this address, but has been unable to reach anyone at this address.

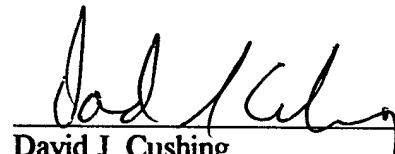
It may be that the person at this address ultimately proves to be the missing inventor, but until such is verified the applicant cannot send a proprietary patent application to that address. In the meantime, it is believed that the efforts to locate the inventor have been diligent.

Accordingly, reconsideration and granting of the petition are respectfully requested.

To the extent there are facts stated above the require certification, this Request For Reconsideration is in the form of a declaration.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



\_\_\_\_\_  
David J. Cushing  
Registration No. 28,703

SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3213  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

Date: April 10, 2002



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**PATENT APPLICATION**

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In re application of

Nicolas BROGNE, et al.

Appln. No. 09/758,245

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For: **METHOD OF SENDING VOICE MESSAGES, AND SYSTEM AND SERVER THEREFOR**

**PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136**

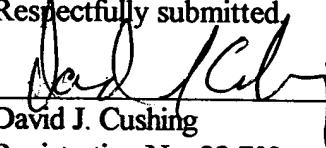
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.136, Applicant hereby petitions for an extension of time of five month(s), extending the time for responding to the Office Action of September 10, 2001 to April 10, 2002.

Please charge our Deposit Account 19-4880 for the statutory fee of \$1960.00. Please charge any additional fees under 37 C.F.R. § 1.16 or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to Deposit Account No. 19-4880. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

  
\_\_\_\_\_  
David J. Cushing  
Registration No. 28,703

SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
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Date: April 10, 2002

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OCT 04 2002

**OFFICE OF PETITIONS**



#7

## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q62282

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Nicolas BROGNE, et al.

OCT 04 2002

Appln. No.: 09/758,245

Group Art Unit: 2645

**OFFICE OF PETITIONS**

Confirmation No.: 7851

Examiner: Not yet assigned

Filed: January 12, 2001

For: METHOD OF SENDING VOICE MESSAGES, AND SYSTEM AND SERVER  
THEREFOR**PETITION UNDER 37 CFR § 1.181 TO WITHDRAW HOLDING  
OF ABANDONMENT AND TO REVIVE ABANDONED APPLICATION****BOX DAC**Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned, on behalf of Applicants, petition the Commissioner to withdraw a holding of abandonment of the above identified application. The application was abandoned for failure to respond to the *Decision Refusing Status Under 1.47* dated September 10, 2001. However, the *Response to Decision* was in fact sent to the PTO within the required time via facsimile on April 10, 2002. Submitted herewith are the following documents:

1. *Response to Decision* filed April 10, 2002, with copy of facsimile receipt verifying transmission.
2. Notice of Abandonment.

In view of the above it is respectfully submitted that the application should not have been abandoned and the Commissioner is petitioned to withdraw the holding of abandonment.

Withdrawal of Abandonment  
USSN 09/758,245

The USPTO is directed and authorized to charge all required fees to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this transmittal letter is attached.

Respectfully submitted,

  
\_\_\_\_\_  
David J. Cushing  
Registration No. 28,703

SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3213  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

Date: October 1, 2002



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q62282

Nicolas BROGNE, et al.

RECEIVED

Appln. No.: 09/758,245

OCT 04 2002

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Examiner: Not yet assigned

Filed: January 12, 2001

For: METHOD OF SENDING VOICE MESSAGES, AND SYSTEM AND SERVER  
THEREFOR

**PETITION UNDER 37 CFR § 1.181 TO WITHDRAW HOLDING  
OF ABANDONMENT AND TO REVIVE ABANDONED APPLICATION**

**BOX DAC**

Commissioner for Patents  
Washington, D.C. 20231

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USSN 09/758,245

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Respectfully submitted,

  
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David J. Cushing  
Registration No. 28,703

SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3213  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

Date: October 1, 2002

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Apr 10	11:20pm	Sent	7033086916	1:49	5	OK

Result:

OK - black and white fax  
OK color - color fax



SUGHRUE MION, PLLC

2100 Pennsylvania Avenue, NW  
Washington, DC 20037-3213

T 202.293.7060  
F 202.293.7860

[www.sughrue.com](http://www.sughrue.com)

**FAX**

---

Date                    April 10, 2002

To                    Office of Petitions

Of                    United States Patent and Trademark Office

Fax                    703-308-6916

From                  David J. Cushing

Subject                RESPONSE TO DECISION

Our Ref              Q62282                    Your Ref              09/758,245

Pages                  (including cover sheet)      5

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Please call attention to problems with this transmission by return fax or telephone. Thank you.

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/758,245	01/12/2001	Nicolas Brogne	Q62282

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, DC 20037-3213

**DOCKETED**

SEP 18 2002

**CONFIRMATION NO. 7851  
ABANDONMENT/TERMINATION  
LETTER**

\*OC000000008793264\*  
\*OC000000008793264\*

Date Mailed: 09/16/2002



**NOTICE OF ABANDONMENT**

*Decision on Petition*

The above-identified application is **abandoned** for failure to timely reply to the Decision on Petition mailed on 04/04/2001.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**RECEIVED**

OCT 04 2002

**OFFICE OF PETITIONS**